



Town of Stow
PLANNING BOARD

380 Great Road
Stow, Massachusetts 01775

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**NOTICE OF DECISION AND DECISION
RIDGEWOOD AT STOW
ACTIVE ADULT NEIGHBORHOOD, EROSION CONTROL AND EXTERIOR LIGHTING
SPECIAL PERMIT MODIFICATION NO. 1**

**Boxboro Road
July 14, 2009**

1. Petition

This document is the DECISION of the Stow Planning Board (hereinafter, the Board) on the Petition of RidgeWood LLC (hereinafter, the Petitioner) to extend the RidgeWood at Stow Active Adult Neighborhood, Erosion Control and exterior Lighting Special permit, dated July 24, 2007 (hereinafter Original Special Permit).

Pursuant to Section 9.2.8 of the Zoning Bylaw the Petitioner seeks a two-year extension of time to complete the approval process and commence construction of a 66-unit Active Adult Neighborhood on property located off of Boxboro Road, as approved by the Board on July 24, 2007.

2. Petitioner

RidgeWood LLC
P. O. Box 596
West Acton, MA 01720

Property Owner

Minute Man Realty Corporation
302 Boxboro Road
Stow, MA 01775

3. Location

Said property is located off of Boxboro Road and is shown on Stow Property Map Sheet R-18 as Parcel 22B-3 (hereinafter, the Site).

4. Board Action

After due consideration of the Petition, the record of proceedings, and based upon the findings and conclusions set forth below, the Board, on June 9, 2009, by a unanimous vote of 4 members present at the public hearing, voted to **GRANT** the request to extend the Special Permit for an Active Adult Neighborhood, Erosion Control Special Permit and Exterior Lighting Special Permit to June 24, 2011, subject to and with benefit of the following findings and conditions.

5. Proceedings

The Petitioner presented the Request for Extension at a duly noticed public hearing held on June 9, 2009. Board Members Kathleen A. Willis, Ernest E. Dodd, Leonard H. Golder and Lori Clark were present at the hearing. The record of proceeding and submission upon which this

Decision Modification

RidgeWood at Stow Active Adult Neighborhood, Erosion Control and Exterior Lighting Special Permits

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decision is based may be referred to in the Office of the Town Clerk or the Office of the Planning Board.

6. Exhibits

Submitted for the Board's deliberation were the following exhibits:

- EXHIBIT 1 1. Letter, dated April 23, 2009, from RidgeWood LLC
 2. Letter, Dated May 18, 2009, from RidgeWood LLLC

EXHIBIT 3 Comments received from other Town Boards and Committees:

1. Interoffice Memorandum, dated May 4, 2009, from the Stow Board of Assessors
2. Interoffice Memorandum, dated May 4, 2009, from the Stow Treasurer/Collector
3. Interoffice Memorandum, dated May 5, 2009, from the Stow Building Department
4. Interoffice Memorandum, dated May 6, 2009, from the Stow Conservation Commission
5. Interoffice Memorandum, dated May 19, 2009, from the Stow Fire Chief

EXHIBIT 6 Comments received from abutters:

1. Letter, dated May 25, 2009, from Michael Jordan, 166 Packard Rd.

7. FINDINGS, CONCLUSIONS and CONDITIONS

Based upon its review of the exhibits and the record of the proceedings, the Board finds and concludes that:

- 7.1 **Finding** – The Petitioner seeks a modification to Section 7.106 of the Original Special Permit, which states: “This Special Permit shall lapse two years from the date of the execution of the Plan by the Board if substantial construction has not commenced, except for good cause.”
- 7.2 **Finding** – Pursuant to Section 9.2.8 of the Zoning Bylaw: “A special permit shall lapse if a substantial use thereof has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause within a period of time to be specified by the Special Permit Granting Authority, not to exceed two years from the date of grant thereof, in accordance with Chapter 40A, Section 9 of the General Laws. “
- 7.3 **Finding** – Pursuant to Section 9.2.8.1, the Special Permit Granting Authority, may grant a reasonable extension of time, but not more than two additional years, after a public hearing has been held and where good cause is shown.
- 7.4 **Finding** – During the Public Hearing, the Petitioner stated the primary reasons for their request for extension of the Special Permit is due to market conditions and the economy. They further stated that the Age Restricted market is limited because most buyers must sell their existing homes prior to purchase of an Active Adult Neighborhood Unit.
- 7.5 **Finding** – During the Public Hearing, abutters raised questions about the site plan and lighting and were assured those concerns are addressed in the Original Special Permit.
- 7.6 **Finding** – The Board finds that extension of the Special Permit for two additional years is reasonable due to market conditions. Pursuant to Section 9.2.8 of the Zoning Bylaw the Special Permit may not be extended beyond the two years granted by this decision.

- 7.7 **Condition:** This Special Permit Decision Modification No. 1 shall be considered a condition of, and an amendment and modification to the Original Special Permit for the purposes stated herein. Except as expressly modified by this Decision Modification No. 1, all terms and conditions of the Original Decision shall remain in full force and effect.
- 7.8 **Condition:** This Special Permit Modification No. 1 shall lapse in two (2) years from the date of the Original Decision (July, 24, 2011), unless substantial use or construction has commenced.
- 7.9 **Condition:** The terms, conditions and provisions of this Decision shall run with the land and shall be binding upon the Petitioner, its successors in interest and assigns, and shall be enforceable by the Town of Stow.
- 7.10 **Condition:** This Special Permit Modification Decision No. 1 shall be recorded in the proper Registry of Deeds and duly indexed or noted on the Owner's Certificate of Title. A copy of the recorded Decision, certified by the Registry, or notification by the Owner of the recording, including recording information, shall be furnished to the Town Clerk and the

8. APPEALS

Appeals, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws, Chapter 40A and shall be filed within twenty (20) days after the date of filing this decision with the Town Clerk.

Witness our hands this 14th day of July 2009

Kathleen A. Willis

Leonard H. Golder

Ernest E. Dodd

Lori Clark

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Linda Hathaway, Town Clerk

Date

This is to certify that the twenty (20) day appeal period on this decision has passed and there have been no appeals made to this office.

Linda Hathaway, Town Clerk

Date